

1 my desk. It was -- we spread out quite a bit since we
2 had a basketball court for our office. It was in the
3 area, but it wasn't, for instance, right next to my
4 desk. I would probably have to get up to go over to
5 it and I remember doing that when I'd be generally
6 accessing, putting in some financial documents or
7 whatever I was putting in for the private files in
8 there.

9 Q Was it visible from where you would have
10 your workstation?

11 A I can't remember. Maybe my back was to
12 it, which most likely was the case, come to think of
13 it. I'm trying to remember how we had it set up, the
14 office there. I think I was facing -- my desk faced
15 the front door and most likely the cabinet would be
16 against a wall behind me, most likely.

17 I'm trying to remember. It's been a few
18 years since we've been there. I can't remember
19 exactly. I can't imagine it would have been in front
20 of me, in front of where the entrance to the station
21 was.

22 Q When you say against a wall, was your area

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1 partitioned in some fashion?

2 A There were the walls of the basketball
3 court itself and we had a few movable partitions that
4 maybe were four or five feet high, I recall, that had
5 been donated from someone, and we moved those around
6 to kind of create some other work areas.

7 Q In terms of where the file cabinet that
8 maintained the Public File in addition to the other
9 three drawers that you had mentioned, while you were
10 working --while you were at your workstation, would
11 you have been aware of somebody accessing that file,
12 if it had occurred?

13 A Well, I guess, like I say, we had an open
14 work area. The file cabinet didn't have any -- at
15 that time have a lock on that cabinet. So that --
16 during the time I was there, I probably, if I turned
17 around, I could probably see if someone had accessed
18 it during the time I'm there.

19 Q If somebody opened the drawer and you were
20 sitting at your workstation, would you have heard it?

21 A It was close enough so I probably would
22 have heard it unless the radio was on pretty loud.

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1 Q What radio station did you listen to?

2 A Well, KALW sounds pretty good. It tended
3 to be the station of choice there.

4 Q Well, was that the station you listened to
5 all the time?

6 MR. DUNCAN: Badgering the witness, Your
7 Honor.

8 JUDGE SIPPEL: Badgering the witness.

9 THE WITNESS: My favorite station.

10 BY MR. SHOOK:

11 Q Ah, that didn't answer my question, did
12 it? Was there any station other than KALW that you
13 listened to?

14 A I would say that KALW was playing on a
15 radio in the station during -- at all times.

16 Q I still don't think you answered my
17 question.

18 A Oh, I'm sorry.

19 Q You said that you had the radio on --

20 A Oh.

21 Q What radio station did you listen to all
22 the time?

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1 A Oh, I listened to KALW.

2 Q Okay.

3 A During -- the time I'm at the radio
4 station, I'm listening to KALW.

5 MR. DUNCAN: Especially the school board
6 meetings, right?

7 THE WITNESS: Oh -- generally school board
8 meetings would be on after I was off, maybe
9 fortunately. So I was not listening at work. I was
10 not at work listening.

11 BY MR. SHOOK:

12 Q All right. So, when you went home at
13 night, you didn't immediately turn on the radio
14 station and start listening to KALW again?

15 A Not every time, no.

16 Q Now, to your knowledge, during Ms.
17 Levinson's tenure as general manager of KALW, did
18 anyone ever remove anything from the Public Inspection
19 File and not put it back?

20 A I have no recollection of anybody taking
21 something out and either -- I have no recollection of
22 anybody taking anything out and putting it back, or

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1 taking it out and not putting it back, during Rose
2 Levinson's tenure.

3 Q When did you first meet Jeffrey Ramirez?

4 A I met Jeffrey Ramirez -- actually, I was
5 here in Washington. I was at a radio conference,
6 public radio conference, and I believe it was 19 --
7 could have been '95, it could have been '96. And at
8 that time, I think he was working for public radio
9 and/or TV station down in San Diego.

10 Q When did you next meet Mr. Ramirez?

11 A I believe when -- to the best of my
12 recollection is when he started working at KALW as
13 general manager.

14 Q Which was in August of '96?

15 A Yes, in mid '96, I believe. It might have
16 been August, maybe July, around that time.

17 Q Now, when Jeffrey Ramirez became general
18 manager, was the station still physically located in
19 the girl's gym at O'Connell high school?

20 A The girl's locker room was downstairs
21 which we moved out of in '91. When Jeffrey Ramirez
22 came in '96, we were still up on the basketball court.

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1 Q During his tenure as general manager, did
2 the station move?

3 A Yes, in those first months there when
4 Jeffrey was there during summer and fall, end of the -
5 - late '96, we were -- the school district was
6 completing construction of the new permanent home of
7 KALW. So we were at that time doing whatever prep
8 work we could for the new facility.

9 Q Now, after Jeffrey Ramirez became general
10 manager, but before the move, was the file cabinet
11 that contained the Public Inspection Files still in
12 the same place as it had been when Ms. Levinson and
13 Mr. Jacob were general managers?

14 A It was still sitting in that open office
15 that whole time.

16 Q Adjacent to your workstation?

17 A Out there, next to where I -- in that work
18 area. Yes, that open area.

19 Q Now, after the station's offices moved in
20 December of '96, where did the file cabinet go that
21 had the Public File in it?

22 A We moved the radio station and, like I say

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1 at the end of '96. I remember it being around
2 Christmas time. It was a rush move to get out because
3 they wanted to start construction on the --
4 reconstruction on the -- the school district wanted to
5 do reconstruction on that gymnasium and we kind of
6 laid out what would be office space and then, again in
7 an open office area, and that file cabinet had come
8 along and went against a wall in a corner of the
9 office space there.

10 Q Where was it in relation to your
11 workstation there?

12 A Since it, again, mostly contained
13 information, the other drawers, you know, documents
14 and files that I was using in my job, it was fairly
15 close to my desk.

16 Q Was it visible from where you sat?

17 A Yes. I would say it's visible. Oh, sure.
18 Yes.

19 Q Then if somebody opened one of the drawers
20 while you were at your workstation, would you have
21 heard them?

22 A I would say yes, I would have heard them

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1 if they opened it during that time.

2 Q Now, when Mr. Ramirez became general
3 manager, were you given any responsibility to maintain
4 the station's Public Inspection File?

5 A When Jeff came in '96, I have no
6 recollection of him giving me that -- giving me the
7 responsibility for the Public Inspection File or parts
8 of it.

9 Q During his tenure as general manager, did
10 he ever give you a responsibility for maintaining the
11 Public Inspection File?

12 A As far as I can -- I have no recollection
13 that he ever said to me or wrote to me that I should
14 take care of the Public Inspection File while he was
15 there.

16 Q Do you recall placing any ownership
17 reports or supplemental ownership reports in the
18 Public File during Mr. Ramirez's tenure as general
19 manager?

20 A During his tenure as general manager, I do
21 recall -- I'm sorry. Ownership reports or
22 supplemental ownership reports during his tenure --

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1 Q Whether or not you placed --

2 A During his tenure?

3 Q Yes.

4 A I would say -- I recall that in late '97,
5 we were preparing ownership report, at least one
6 ownership report and I gave it to him. Whether he put
7 it in the Public File or asked me to, I don't recall,
8 but if he'd asked me to, I would have.

9 Q During Mr. Ramirez's tenure as general
10 manager, did you ever personally review the contents
11 of the KALW Public Inspection File?

12 A While I don't have any specific
13 recollection of doing that, I do have -- I have, while
14 preparing for this hearing, I've seen a document that
15 had my name next to a note saying that I may have been
16 asked to by Jeff or to look for something.

17 And, if I had gone into the Public
18 Inspection File, I would have done it on his request
19 to look for something. If he'd asked me to look for
20 something specific, I would have looked for something
21 specific. If he'd asked me to remove something
22 specific, I would have removed that, but I didn't take

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1 any initiative regarding the Public File during his
2 tenure there.

3 Q During Mr. Ramirez's tenure as general
4 manager, did you ever see Mr. Ramirez personally
5 review the contents of the KALW Public Inspection
6 File?

7 A I certainly recall in 1997 when one of the
8 things, once we were situated in the new office, one
9 of the things Jeff Ramirez had to do was get ready for
10 the license renewal, and I believe I remember him, or
11 was aware of him working in some sense on the public
12 information file and -- but I don't recall exactly --
13 remember asking what he was doing.

14 Q Did he ever tell you what he was doing?

15 A I believe it was regarding -- he was
16 mentioning overall that he was getting ready for the -
17 - preparing whatever documents and collecting whatever
18 data he needed for filling out the application for
19 license to renew which was due that summer.

20 Q During Mr. Ramirez's tenure as general
21 manager, do you remember anybody else ever personally
22 reviewing the contents of the Public Inspection File?

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1 A I do seem to remember there was a
2 volunteer at the station, a Ms. Susan Hecht, who was
3 a volunteer in the front office of the radio station
4 and had volunteered -- done general office tasks and
5 I believe -- as I recall, she was assisting Jeff in
6 some sense in preparing information, collecting some
7 data regarding the license renewal documents.

8 Q Roughly, you know, what times of the day
9 would Susan Hecht ordinarily be at the radio station?

10 A Generally I would say she would have been
11 there during normal -- what we would consider normal
12 business hours; perhaps morning through afternoon
13 sometime. Generally volunteers didn't come in at the
14 crack of dawn or stay until late at night. They kind
15 of came in during normal business hours.

16 Q While she was at the radio station serving
17 as a volunteer, would it have been typical for you to
18 be there as well?

19 A I generally work normal business hours,
20 too. Although sometimes I go out on errands or, you
21 know, perhaps go down to other school district
22 offices. I deliver financial documents down to the

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1 central accounting department, that kind of thing.

2 But I come -- it wouldn't be unusual for
3 me to see her there and when -- she often could --
4 volunteers would sometimes be there even when I
5 wasn't.

6 Q Do you recall Susan Hecht looking at the
7 Public File while you were at the radio station?

8 A I don't recall exactly what she was doing
9 with Jeff other than she was assisting Jeff in regards
10 to the renewal documentation that needed to be done
11 and the forms that needed to be filled.

12 Q When you say working with Jeff, is your
13 recollection that you say them together at the Public
14 File?

15 A I couldn't say I have a recollection of
16 them both being there at the very same moment. No.

17 Q In terms of Susan Hecht being at the
18 Public File, do you have any recollection as to
19 approximately how much time she spent at the Public
20 File?

21 MR. DUNCAN: Objection. Foundation. I
22 don't know that this witness has ever testified that

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1 he saw her at the Public File.

2 JUDGE SIPPEL: I sustain the objection.

3 BY MR. SHOOK:

4 Q Did you ever see Susan Hecht at the Public
5 File?

6 A I don't recall seeing her when -- you
7 know, at the Public File. She may have taken -- you
8 know, when you're at the Public File, you're -- it's
9 just a file drawer. So, perhaps she was working at a
10 desk area.

11 She may have been using documents that
12 perhaps that she had taken from the Public File or
13 done something. But I don't recall -- you don't
14 actually work at a file drawer that I can recall.

15 Q Well, some people get on their knees and
16 open a file drawer and see what's there. Other people
17 have more sense and they actually take the files out
18 and go someplace and sit down and look at them. I'm
19 just trying to get a --

20 A Generally, what -- again, what I can
21 recall is Susan Hecht sitting at a desk, an empty desk
22 and looking -- whatever she was doing, she was doing

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1 at a desk. I don't recall her -- and she may have
2 been taking a file out or putting it back or whatever.

3 Q Well, you had mentioned before that Susan
4 Hecht was assisting Jeff or helping Jeff in some
5 fashion, I'm just trying to get at how you knew that.

6 A I think when she -- because she was in
7 there. She was in the office, working on a project
8 for Jeff rather than a project for me. Often I would
9 find -- assign tasks to volunteers, whatever, perhaps
10 making phone calls, stuffing envelopes, opening up
11 mail, sorting things.

12 Given that she was working with Jeff, she
13 was working on a project for Jeff. That's how I knew.

14 Q So, your knowledge came about as a result
15 of trying to give Susan Hecht a particular task and
16 she's informing you, well, hey, I'm already occupied.
17 I'm doing something for Jeff.

18 A Yes. That possibly was how.

19 Q Possibly?

20 A Possibly.

21 Q I recognize that I'm dealing with events
22 that occurred many, many, many years ago, but these

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1 events do have some pull here so, I'm trying to find
2 out what you remember.

3 A It could have been -- well, I don't know
4 what it could have been, but Jeffrey and I might have
5 had a conversation regarding, Susan Hecht is coming in
6 today. I've got a project for her. Great. And that
7 would have been the end of it. Maybe that's what he
8 said to me.

9 Q Do you know what, if anything, Susan Hecht
10 actually did with respect to the Public File?

11 A Actually, no I don't.

12 Q Do you have any knowledge as to whether
13 she prepared a document about her work with respect to
14 the Public File to the extent any such work occurred?

15 A She obviously reported back to Jeff or did
16 something for Jeff. I don't know about a document she
17 prepared though.

18 Q Okay. I'm afraid I'm going to have to
19 have documents brought up to you --

20 A Okay.

21 Q And shown to you and no, it has nothing to
22 do with Susan Hecht. I'm not sure how we want to do

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1 this.

2 The documents in question that I want to
3 show Mr. Helgeson are in our Exhibit 44. The first
4 one being page two.

5 MR. DUNCAN: Your Honor, would you like us
6 to use our binder or your binder?

7 JUDGE SIPPEL: Let's go off the record on
8 this.

9 (Whereupon, the above-entitled matter went
10 off the record at 2:53 p.m. and resumed at 2:55 p.m.)

11 JUDGE SIPPEL: Let the record reflect that
12 Mr. Shook has directed the witness to view Exhibit 44
13 pages two, 62, 77 and 87. Is that correct?

14 MR. SHOOK: That's correct.

15 JUDGE SIPPEL: Okay. Ask your questions.

16 BY MR. SHOOK:

17 Q Now, Mr. Helgeson, did you notice that
18 there was writing on each of those pages that I
19 directed your attention to?

20 A Yes, I do.

21 Q As far as you can tell, what does that
22 writing say?

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1 A I believe on each of them it says, Bill's
2 copy.

3 Q Who's Bill?

4 A Bill would be me.

5 Q How did Bill's copy come to be placed on
6 each of the pages that you looked at?

7 A During -- when a new program guide would
8 come out, I liked keeping one next to my desk and --
9 so that I wouldn't -- if I needed to refer to it for
10 some reason, for a listener who had called in with a
11 question about a program, for instance, or needed a
12 phone number that might be in the program guide.

13 So, what I did was -- so, rather than
14 every time I needed the information going to get
15 another program guide, when a new program guide came
16 off from the printer, I would mark it Bill's copy and
17 just kind of put it on my desk so that that was the
18 one I knew to refer to during the quarter.

19 When that issue was supplemented by the
20 next one, I would just put that one in file in my desk
21 area, on my desk or in one of my private files.

22 Q Now, is this -- oh, I guess a habit that

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1 you developed in say as early as 1992, that you would
2 get a program guide and then write Bill's copy on it
3 and have it on your desk and when the next one came
4 along, you would take the old one and you say you'd
5 put it in a file in your own desk?

6 A Yes, I would do that, probably -- yes, at
7 that time, yes.

8 Q You did it for how many years?

9 A I -- up until just quite recently.
10 Basically the reason that I don't do it now is the
11 fact that it's easier -- the information for the
12 program guide is all on -- basically on computer files
13 and given my vision issues, it's easier for me if
14 somebody has a question about a program or needs that
15 kind of phone number, I can just click on the file on
16 my computer and bring it up.

17 Q With respect to the four pages that I had
18 you look at, which as I understand it, represent the
19 first pages of the program guides for each of the four
20 quarters of 1992, did these program guides -- were
21 these program guides ever placed in the station's
22 Public File at some point?

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1 A These ones that say Bill's copy on them?

2 Q Yes, sir.

3 A The ones that say Bill's copy were placed
4 in the Public File.

5 Q At about what time?

6 A These --

7 Q Or what -- you know, about when?

8 A These ones that say Bill's copy,
9 particular ones, were placed in the Public File in the
10 course of updating the Public File in approximately
11 late February, early March of 2001.

12 Q Prior to your placing the Bill's copy of
13 the program guide in the station's Public File, did
14 the Public File have a copy of the program guide in
15 it?

16 MR. DUNCAN: Objection. He hasn't
17 testified that he placed them in at that time. I'm
18 not sure that's important to the question, but I don't
19 want the record to reflect anything incorrectly.

20 JUDGE SIPPEL: Well, it won't. This is
21 really more for a point of clarification. Maybe you
22 could ask him some direct questions about his

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1 knowledge of what went in, in relation to what you're
2 trying to determine?

3 BY MR. SHOOK:

4 Q Well, Mr. Helgeson, you mentioned that
5 there were Bill's copy of the program guide placed in
6 the Public File sometime in late February or early
7 March of 2001, and given your counsel's objection, my
8 question to you is, did you personally put the
9 documents, Bill's copy, in the Public File or did
10 somebody else?

11 A At that time in late February, early
12 March, I had a volunteer who was assisting me and at
13 that point since we were operating on the -- we had
14 found program guides in the Public File. I don't
15 recall us -- it seemed to be that there were some.

16 We tried to see if there was one for every
17 quarter and up to 2001 and we did seem -- there seemed
18 to be -- there were some holes in that list and so I
19 probably -- I can't recall if it was me personally or
20 the volunteer. I said, look, I've got this complete
21 list of program guides that go back, obviously to at
22 least 1992.

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1 We had created file folders -- specific
2 file folders for every quarter. I said just to make
3 sure that everything is in here, complete and up to
4 date, use my copies, my set of copies and program
5 guides and put them into the -- each quarter's
6 programs issues folder that we had created at that
7 time.

8 Q But you're also saying that there were
9 some of the quarters from 1992 to 2001 that already
10 had a copy of the program guide in it?

11 A There were program guides in the Public
12 File when I did the inspection of it at that point in
13 late February. So, yes.

14 Q For what periods?

15 A I don't know exactly. We, again, looked
16 through there. We knew there should be four for every
17 year and we seemed to find holes in some quarters.
18 Some seemed to be missing from some places. The most
19 reasonable place to fill those holes was going to be
20 from my collection of old program guides and so rather
21 than just picking up one and two out of whatever, how
22 many they needed from my collection and then making my

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1 collection incomplete, I said -- I did or I asked my
2 volunteer to just slip one in for each of the
3 appropriate quarters.

4 Q Was the volunteer directed to take a
5 program guide out that didn't have Bill's copy already
6 written on it?

7 A As I recall, that's what we did. We
8 didn't see the point in having two copies of any one
9 particular guide -- edition of a guide there. So, if
10 there was one in there already, she pulled that one
11 out and replaced it with the one that's marked Bill's
12 copy.

13 Q Do you have any knowledge as to how many
14 copies of the program guide were pulled out?

15 A No, I don't recall us keeping track of it
16 in that sense. No.

17 Q What did you do with the -- what did you
18 do or what did the volunteer do with the copies that
19 were pulled out?

20 A I don't recall as what we did with them,
21 if we kept them for some -- if there was some reason
22 to keep them or threw them away. I don't recall.

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1 Q Do you have any knowledge as to where
2 those copies are now?

3 A I have no idea where they are now.

4 Q So, this exercise of looking at a folder
5 that may or may not have had a program guide already
6 in it, covered approximately how many years?

7 MR. DUNCAN: Objection to the
8 characterization of what he did.

9 JUDGE SIPPEL: Sustained.

10 MR. SHOOK: In terms of the looking that
11 either you or your -- or the volunteer that was
12 assisting you did with respect to the folders that had
13 or may not have had program guides already in them, do
14 you have any recollection as to how many different
15 file folders there were -- or how many different
16 folders for the quarters there were that did not
17 already have a program guide in it?

18 MR. DUNCAN: Same objection.

19 JUDGE SIPPEL: Sustained.

20 BY MR. SHOOK:

21 Q With respect to the file -- first of all,
22 were there -- was there an individual file folder for

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1 each quarter from 1992 to 2001?

2 A At the time we reviewed the Public File in
3 late February 2001, there was not an individual file
4 folder for each quarter.

5 Q Were file folders for each quarter from
6 1992 up to 2001 created?

7 A They were created subsequent to a
8 conversation I had with our attorneys at the time, Mr.
9 Jenkins and/or -- Mr. Sanchez or his associate Ms.
10 Jenkins, and we did make those.

11 We did a folder for each folder, clearly
12 marked it, you know, first quarter -- I think we went
13 by the seasons and then the year after.

14 Q So you created a file folder, and then
15 what did you do?

16 A We created a file folder for each quarter
17 of the -- up to that time. Up to -- I don't know that
18 we did one for the first quarter of 2001, but at least
19 up to the last quarter of 2000. We then tried to as
20 best we can to put in a program guide, one of our KALW
21 program guides for each quarter, and then as far as
22 that, we also went to the National Public Radio, which

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1 was one of our sources of programs.

2 They began having on their website a -- on
3 their website where they would have for each quarter
4 the issues and programs list on issues that they had
5 covered on all their radio programs and it was quite
6 a detailed, it was in the form of an Excel
7 spreadsheet.

8 What I started doing was, for each
9 quarter, as far back as it went -- I can't remember
10 exactly how far back it went, we printed out that
11 National Public Radio quarterly issues programs list
12 and then went and on the front of it marked --
13 indicated with a cover sheet which of those National
14 Public Radio programs we always carried on KALW.

15 So, there are certainly National Public
16 Radio programs or issues that were on that list that
17 we don't carry on KALW and so I wanted to make it
18 clear from that document that KALW carried, for
19 instance, the Morning Edition program and the All
20 Things Considered program.

21 We then printed that out for each quarter
22 and then took that document and put it in the

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